

Continued...

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO
MOTION REQUESTING A STATEMENT OF FACTS AND/OR ISSUES**

No. 3:12-cv-2039

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3. There is the possibility that there are material facts in relation to the budgetary issues discussed in various court proceedings that have not been made public.

4. This is an important issue on my appeal(s).

5. In response to my request for information, the Honourable Gustavo A. Gelpí, in his Order dated November 8th, 2013 (Docket No. 91), stated:

The court will order for the record the preparation of transcripts of all in court proceedings in this case on or before December 1, 2013, so that these form part of the record of this case. In chambers and telephone status conferences are not transcribed, however, the corresponding minutes are part of the record. There are no sealed documents in this case. *Id.*

6. Apparently, no court reporter was present at the Status Conference that took place in chambers on March 20th, 2013; as specified in my "Motion Requesting Information From the Record" (Docket No. 90).

7. However, at the Status Conference that took place in the Old San Juan courtroom on October 30th, 2013, Ms. Evily Brathwaite was present as court reporter, according to the Minute Entry entered into the record on November 8th, 2013 (Docket No. 92). Since this is an in court proceeding, it should be transcribed and made part of the record, according to Order(s) dated November 8th, 2013 (Docket No. 91) and, again, November 18th, 2013 (Docket No. 94). I have taken the liberty of enclosing an additional Transcript Report/Order form for these proceedings, for approval of the Honourable Court; with my apologies for this oversight, due to excusable neglect.

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8. Even if a court reporter was present at the three in court Settlement/Status Conferences, I am not certain if a proposed budget would be part of the transcript.

9. The process whereby a record on appeal is assembled is thoroughly detailed in Fed. R. App. P. 10(b); and in Local Rule 10 of the Honourable First Circuit Court of Appeals. It is the Appellant's duty to request a Transcript Report/Order Form for those proceedings not already part of the record.

10. When a transcript of the procedures is unavailable, or they were not recorded, then Fed. R. App. P. 10(c), (d), and (e) stipulate that a Statement of the Facts and/or Issues on appeal by the parties must be approved by the Honourable District Court and then forwarded to the Honourable First Circuit Court of Appeals.

11. My request for the parties in the instant case is as follows: if it pleases the Honourable U.S. District Court for the District of Puerto Rico, I would like for the parties of the case to draft a Statement of Facts and/or Issues in the instant case, *with special emphasis on any and all budgetary issues*, including any proposed budget that may have been presented and/or discussed at *any* of the proceedings; with emphasis on the telephone and in chambers Status Conferences, for approval of the Honourable District Court; to be forwarded to Honourable First Circuit Court of Appeals.

12. For a Federal civil case that has such high public importance, I personally find that budgetary information crucial to the issues being discussed is particularly absent from the record; especially since there are no sealed documents in the instant case.

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13. This "Motion Requesting a Statement of Facts and/or Issues" is based on the accompanying "Memorandum of Law" in support thereof. Rather than being a peremptory request, I hope that this motion will help clarify the events that took place in arriving at a resolution of the instant case, as it stands; and *so that budgetary information may be made part of the record, not only to be reviewed on appeal, but so that the public may have access to it, if it so desires.*

WHEREFORE, proposed Intervening Defendant Jorge Díaz Castro, as a concerned lobbyist for Defendant Puerto Rico Police Department, respectfully requests that the Honorable U.S. District Court for the District of Puerto Rico request from the parties in the instant case a Statement of Facts and/or Issues, *with special emphasis on budget issues*; to comply with Fed. R. App. P. 10(b), and with Local Rule 10 of the Honourable First Circuit Court of Appeals; and *so that budgetary information may be made part of the record, not only to be reviewed on appeal, but so that the public may have access to it, if it so desires.*

CERTIFICATION: I hereby certify that today I filed the foregoing with the Clerk of the Court which, on information and belief, shall automatically notify counsel of record which are CM/ECF system participants at the corresponding e-mail address, and which pursuant to Local Civil Rule 5, constitutes the equivalent service.

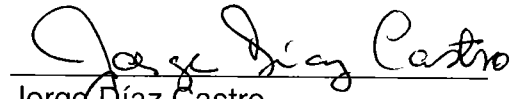
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RESPECTFULLY SUBMITTED, in San Juan, P.R., on this 25th day of November, 2013.

A handwritten signature in black ink, reading "Jorge Díaz Castro". The signature is written in a cursive style with a horizontal line underneath it.

Jorge Díaz Castro

PRO SE

P.O. Box #9021288

San Juan, P.R. 00902-1288

Email: transcripciones@mail.com

INTAKE DROP BOX
RECEIVED & FILED
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Case name USA v. Commonwealth of Puerto Rico et al.District Court Case No. 12-2039

2013 NOV 25 PM 12:01

Court of Appeals Case No. 13-2079 and/or 13-2306Date Notice of Appeal filed 08/12/2013 and/or 10/07/2013Form filed on behalf of PRO SE Appellant Jorge Díaz Castro

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
TRANSCRIPT REPORT

Transcript Not Necessary for this Appeal _____

Transcript Already Filed in District Court. List each transcript by docket entry number and date and type of proceeding (attach separate page if necessary) A transcript has been ordered (Dockets No.91, No. 94)but has not yet been filed.

TRANSCRIPT ORDER

Name of Court Reporter Ms. Evilys BrathwaitePhone Number of Reporter N/A

- A. ☒ This constitutes an order of the transcript of the following proceedings [check appropriate box(es) and indicate dates of hearing(s)]:

PROCEEDING(S)

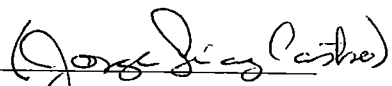

HEARING DATE(S)

- | | | |
|-------------------------------------|--|--|
| <input type="checkbox"/> | Jury Voir Dire | _____ |
| <input type="checkbox"/> | Opening Statement (plaintiff) | _____ |
| <input type="checkbox"/> | Opening Statement (defendant) | _____ |
| <input type="checkbox"/> | Trial | _____ |
| <input type="checkbox"/> | Closing Argument (plaintiff) | _____ |
| <input type="checkbox"/> | Closing Argument (defendant) | _____ |
| <input type="checkbox"/> | Findings of Fact/Conclusions of Law | _____ |
| <input type="checkbox"/> | Jury Instructions | _____ |
| <input type="checkbox"/> | Change of Plea | _____ |
| <input type="checkbox"/> | Sentencing | _____ |
| <input type="checkbox"/> | Bail hearing | _____ |
| <input checked="" type="checkbox"/> | Pretrial proceedings (specify) <u>Conference</u> | <u>Status/Settlement Conference in court on 10/30/2013 (Docket No. 92)</u> |
| <input type="checkbox"/> | Testimony (specify) _____ | _____ |
| <input type="checkbox"/> | Other (specify) _____ | _____ |

NOTE: Any form that fails to specify in adequate detail those proceedings to be transcribed will be considered deficient.

- B. ☒ I certify that I have contacted the court reporter and the following financial arrangements for payment of the transcript have been made:

- ☐ Private funds.
- ☒ Government expense (civil case). IFP status has been granted and a motion for transcript at government expense has been allowed. (Attach a copy of the order to each copy of this order form.)
- ☐ Criminal Justice Act. A CJA Form 24 has been approved by the district court judge.
- ☐ Criminal Justice Act. A CJA Form 24 is attached for authorization by the court of appeals.
- ☐ Federal Public Defender/Government Counsel - no CJA Form 24 necessary.

Filer's name Jorge Díaz CastroFiler's Signature s/ Jorge Díaz Castro Firm/Address P.O. Box #9021288, San Juan, P.R. 00902-1288Filer's Email address transcripciones@mail.comTelephone number N/ADate mailed to court reporter 11/25/2013 

(Court Reporter Use ONLY) Date received _____